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Attorneys for Defendants,  
**COUNTY OF LOS ANGELES and DEPUTY TRAVIS KELLY**  
*(Defendants is exempt from filing fees pursuant to Government Code § 6103)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Case No.: 2:22-cv-05367 RGK(MAAx)

### **Plaintiffs,**

V.

COUNTY OF LOS ANGELES;  
SHERIFF DEPUTY BADGE  
NUMBER 404532; And DOES 1  
through 10,

### Defendants.

**DECLARATION OF SERGEANT  
TRAVIS KELLY IN SUPPORT OF  
DEFENDANTS' APPLICATION TO  
CONTINUE TRIAL**

Action Filed: August 3, 2022  
Pretrial Conference: July 10, 2023  
Trial Date: July 25, 2023

Assigned to:  
Hon. R. Gary Klausner, District Judge  
Courtroom 850

All Discovery Matters Referred to:  
Hon. Maria A. Audero, District Judge

## **DECLARATION OF SERGEANT TRAVIS KELLY**

I, SERGEANT TRAVIS KELLY, declare as follows:

1. The facts and circumstances contained in this declaration are based on personal knowledge, and if called upon to do so, I could and would competently testify to the matters set forth herein in a court of law.

1       2. I am over the age of 18.

2       3. This declaration is provided in support of Defendants' Motion to Continue Trial.

3       4. I am a named defendant in this action. Moreover, this litigation pertains to  
4 Plaintiff's allegations regarding my purported conduct. As such, I feel strongly about  
5 being present and available to participate at the trial of this matter as it directly affects  
6 me.

7       5. For about two months, I have been on medical leave pursuant to a work-related  
8 injury to my back, neck and ulnar nerve. I am presently treating for this condition, and  
9 do not know when I will be able to return to work.

10      6. I currently have an appointment with the doctor evaluating my condition on June  
11 1, 2023. On this date, I will learn more about my present condition and we will have a  
12 discussion regarding the next steps in treatment; I will also learn whether I can be  
13 scheduled for a surgery for my arm. On this date, I also plan to discuss my participation  
14 in this litigation, including any restrictions or instructions with respect to sitting for a  
15 deposition and/or participating in Trial.

16      7. I will also not know whether and when I may be able to return to work until June  
17 1, 2023, at which time my doctor will evaluate my condition and advise as to the  
18 recommended treatment course for my condition.

19      8. It is my understanding that Plaintiff first noticed by Deposition on or about March  
20 31, 2023. At this time, I had already been on medical leave for over a month.

21      9. I also note that Plaintiff noticed my deposition to proceed outside of Los Angeles  
22 County in Laguna Hills, California – which is approximately 80 miles away from my  
23 assigned Sheriff's Station in Santa Clarita, California and the location where this  
24 incident occurred in Canyon Country, California.

25      10. While I do not have any objection to appear for my deposition, I will need to  
26 consult with my doctor on June 1, 2023, to determine any instructions and restrictions to  
27 extensive travel for the deposition and/or prolonged in person examination.

28

11.I am also agreeable to appear for a deposition prior to my June 1, 2023, doctor's appointment, but I request that Plaintiff's counsel agree to proceed via Zoom or another virtual platform, and, pursuant to applicable procedural and time limitations, further agree to suspend the deposition to be rescheduled for a mutually agreeable date if I am unable to complete my deposition in one session due to my condition.

I declare under the penalty of perjury and the laws of the State of California that the foregoing is true and correct.

Executed this May 9th, 2023 in Los Angeles, California

Travis E. Kelly

## SERGEANT TRAVIS KELLY

**CERTIFICATE OF SERVICE**

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On May 10, 2023, I served the foregoing document described as **DECLARATION OF SERGEANT TRAVIS KELLY IN SUPPORT OF DEFENDANTS' APPLICATION TO CONTINUE TRIAL AND PRE-TRIAL DEADLINES** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

**By Mail** I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

**XX By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is [mnixon@kmslegal.com](mailto:mnixon@kmslegal.com).

**By Personal Service** I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 10, 2023 at El Segundo, California

April

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Maria Nixon

## **SERVICE LIST**

## Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAx)

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